

Notice of Allowability

Application No.

09/384,315

Examiner

Robert Sellers

Applicant(s)

BOUILLLOUX ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after Final rejection filed 14 October 2003 and entered.
2. ☒ The allowed claim(s) is/are 20-31, 33, 34 and 36-47.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1103</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Robert Sellers
Primary Examiner
Art Unit: 1712

Application/Control Number: 09/384,315
Art Unit: 1712

Page 2

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James E. Ruland on November 20, 2003.

The application has been amended as follows:

Specification, referring to the amendment filed July 13, 2001:

Page 1 of the amendment modifying the paragraph beginning on page 2, line 3, at lines 3, 5, and 6 (B1); page 2 of the amendment modifying the paragraph beginning on page 3, line 14 (B2), at line 1; the paragraph beginning on page 4, line 25, at line 1 (B4); and the paragraph beginning on page 5, line 11, at line 1 (B5):
Insert after "comprising" --a copolymer made from--.

Claims 21 and 42, line 5, insert a comma --,-- after "carboxylic acid".

Claim 23, line 3, replace "and" with --, or a product-- and lines 3-4, delete "and said product being other than said copolymer and polyolefin,".

Claim 44, line 2, delete " α,ω -amino carboxylic acid" and after "ethylene/alkyl (meth)acrylate/(meth)acrylic acid" insert --, or an α,ω -aminocarboxylic acid--.

Replace the abstract with the following new one presented on a separate page.

The following is an examiner's statement of reasons for allowance:

The amendment after Final rejection filed October 14, 2003 along with the attached examiner's amendment addresses the issues resolved in the Examiner Interview Summary Record executed June 24, 2003.

The amendments to the specification set forth in the examiner's amendment hereinabove conforms the disclosure to the claim language. The amendments to the claims clarifies the terminology used to define the components.

Independent claim 20 differs from independent claim 41 in that each of the copolymers of components (A), (B) and (C) are defined as being "made from" the monomers in claim 20, whereas in claim 41 they are denoted as being copolymers "of" the monomers. The amendment after Final rejection filed October 14, 2003 on page 10 explains that both means of indicating the copolymers are employed based on the ruling of Exxon v. Lubrizol, 35 USPQ 2d 1801, Fed. Cir. 1985, since copolymers defined by the unpolymerized monomers may be interpreted differently from copolymers of the polymerized monomers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

(703) 308-2399 (Fax no. (703) 872-9306)
Monday to Friday from 9:30 to 6:00 EST

rs
11/20/03



ROBERT E. SELLERS
PRIMARY EXAMINER

--ABSTRACT

A composition comprises a thermoplastic polymer having incorporated therein a crosslinked phase derived from the reaction of:

(A) a copolymer made from ethylene and an unsaturated epoxide, a polyolefin grafted with an unsaturated epoxide, or a product having two epoxide groups,

(B) a copolymer made from ethylene and an unsaturated carboxylic acid anhydride, and

(C) a copolymer made from an unsaturated carboxylic acid, or an α,ω -aminocarboxylic acid.--.